Respond to:
Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California
Postal zone [95307]

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris,	)	
Citizen in Party	)	Judicial Original Action for Judicial
	)	Review DeNovo of Administrative
-v-	)	Action in Federal District Court
	)	
Charles J. Stevens	)	
U.S. Attorney	)	
U.S. Courthouse	)	
1130 "O" Street	)	
Fresno, California [93721]	)	
	)	
Karen J. Kalmanir	)	
Assistant U.S. Attorney	)	
U.S. Courthouse	)	
1130 "O" Street	)	
Fresno, California [93721]	)	
	)	
Magistrate: Dennis L. Beck	)	
U.S. Courthouse	)	
1130 "O" Street	)	
Fresno, California [93721]	)	
	)	
United States District Court	)	
Eastern District of California	)	Jury Trial Demanded Within
U.S. Courthouse	)	

Fresno, California [93721])
Respondents.)
_____)_____

Sworn and Subscribed:

the instant action is defined as a contract with the Ninth Circuit Court of Appeals of the united States of America, to wit: Offer-presentment of pleading by Citizen in Party, acceptance-assignment, stamping of case number, thereon-consideration -filing fee accepted by Clerk of Court, the Ninth Circuit Court of Appeals of the united States of America to enforce the terms and conditions of said contract.

Citizen in party is the movant and Citizen in party swears to tell the truth and has first hand knowledge of facts:_____
Leonard Lloyd, Morris, Citizen in Party

Jurisdiction

The Ninth Circuit Court of Appeals of the united States of America, has original jurisdiction arising under Federal Law Pursuant to Title 28 U.S.C. section 1331(a), section 1343, over this Common Law Case, F.R.C.P. 38(a), Title 5 U.S.C. section 552(b)(h)(1), Title 5 U.S.C. subsection (G)(1)-(5) injunction and torts, to wit: "The District Courts of the united States shall have jurisdiction to enforce the requirements of subsections (B) through (F) of this section by Declatory Judgment, Injunctive Relief, or other relief as may be appropriate", Title 5 U.S.C. section 701-706, Title 5 U.S.C. Section

702, zone of interest, Judicial Review, Standing of Citizen in Party, legal wrong, waiver of sovereign of immunity, Title 28 U.S.C.S. section 2344, party aggrieved, Title 28 U.S.C. section 1651 All Writs Act, Title 31 U.S.C. section 1304. This Court has jurisdiction to make a judicial review of the administrative proceedings within the Respondent Court in that Movant has exhausted his administrative remedies, has no remedy by way of appeal and does not know the nature and cause of the agency in the Respondent Court, this Court further, has power and authority to effect a remedy and has been mandated by Congress to make said judicial review and Title 5 U.S.C. section 705 paragraph 17 allow circuit court to stay agency orders. Further, the reviewing court under Title 5 U.S.C. section 706 has been given a scope of review to effect a remedy. Citizen in Party is damaged in that his substantive rights have been violated under the fifth Amendment to the Constitution of the united States of America, denial of due process, which is causing a lose of life and liberty by being restricted under violation of Probation.

Movant states: No dispositive motions will be accepted into the case, by

terms of conditions of the contract. The Court will enforce, for Movant, if any defense motions violate the Congressional intent of Congress pursuant to Title 5 U.S.C. section 706.

The Ninth Circuit Court of Appeals united States of America has jurisdiction to review legal wrongs suffered by Citizen in Party due to the actions of Federal agency in violation of laws. Statutes, ordinances, regulations, and prohibitions set forth under the Constitution for the united States of America.

Parties

1. Movant/Citizen in Party, Leonard Lloyd, Morris, hereinafter "Leonard", is at no time pro se, pro per and has never been represented by himself or by a licensed attorney since his charge of violation of probation, nor has Leonard ever been a party to the agency action in review. Leonard was living comfortably with his family at a house located in the Stanislaus County, California prior to and since being charged with violation of probation. Leonard was carrying on with life and living up to what he

believes to be the letter of the law, and Leonard sues as Citizen in Party in this matter.

2. Federal District Court Prosecutor, Charles J. Stevens, hereinafter "Respondent Stevens" is an employee of the Federal government and is commercially enriched and rewarded as such and performs both prosecutorial and administrative functions from time to time and has both official and individual capacities while employed by the Federal government as a direct agent for the agency. Upon reason and belief, Respondent Stevens has an Oath of Office in regards to his functions and is highly trained and knowledgeable in both prosecutorial and administrative procedures especially those procedures surrounding Title 5 U.S.C. section 701-706. Upon reason and belief Respondent Stevens is bonded in regards to his official capacity. Respondent Stevens is being sued in his administrative capacity and individually for knowledge of a violation of the law and failure to correct said actions which are arbitrary, capricious, malicious, unlawful, unconstitutional, unreasonable or a wonton trespass causing personal injury upon Leonard herein.

3. Federal District Court Prosecutor, Karen J. Kalmanir, hereinafter

"Respondent Kalmanir" is an employee of the Federal government and is commercially enriched and rewarded as such and performs both prosecutorial and administrative functions from time to time and has both official and individual capacities while employed by the Federal government as a direct agent for the agency. Upon reason and belief, Respondent Kalmanir has an Oath of Office in regards to her functions and is highly trained and knowledgeable in both prosecutorial and administrative procedures especially those procedures surrounding Title 5 U.S.C. section 701-706. Upon reason and belief Respondent Kalmanir is bonded in regards to her official capacity. Respondent Kalmanir is being sued in her administrative capacity and individually for knowledge of a violation of the law and failure to correct said actions which are arbitrary, capricious, malicious, unlawful, unconstitutional, unreasonable or a wanton trespass causing personal injury upon Leonard herein.

4. Federal District Court Magistrate, Dennis L. Beck, hereinafter "Respondent Beck" is an employee of the Federal government and is commercially enriched and rewarded as such and performs both judicial and administrative functions form time to time and has both official and

individual capacities while employed by the Federal government as a direct agent for the agency. Upon reason and belief, Respondent Beck has an Oath of Office in regards to his functions and is highly trained and knowledgeable in both judicial and administrative procedures especially those procedures surrounding Title 5 U.S.C. section 701-706. Upon reason and belief Respondent Beck is bonded in regards to his official capacity. Respondent Beck is being sued in his administrative capacity and individually for knowledge of a violation of the law and failure to correct said actions which are arbitrary, capricious, malicious, unlawful, unconstitutional, unreasonable or wanton trespass causing personal injury upon Leonard herein

5. Federal District Court, Fresno, California hereinafter "Respondent Court", is a Federal administrative agency which performs both administrative and judicial functions from time to time. In the instant matter, Respondent Court is being sued as an agency for denial of substantive due process rights and violations of united States laws, statutes, ordinances, regulations, rules, and for acts prohibited under the Constitution for the united States of America.

Statement of Facts

6. The foregoing paragraphs 1 through 5 are fully incorporated herein by reference.

7. On or about August 29, 1997, Leonard was placed in violation of probation by U.S. Probation Officer Kevin J. Crawford.

8. On or about September 23, 1997, Leonard was served with a summons to appear for violation of probation, dated September 17, 1997, by Kevin J. Crawford.

9. On or about September 25, 1997, Leonard caused to be served upon Respondent Stevens, Federal District Court Prosecutor and Respondent Kalmanir, Federal District Court Prosecutor, a private Demand for Bill of Particulars, hereinafter BOP. See "BOP" exhibit "A", attached hereto and incorporated herein by reference.

10. Leonard's demand for the BOP was cased upon Leonard's substantive right to be informed of the nature and cause of the proceedings as required by the laws of nature, the 6th Article in Amendment to the Constitution for the united States of America, Federal Criminal Rule 7(f). Federal Rule of Civil Procedure 12(e), and other restatements of common law rights and

procedures.

11. At a hearing before the respondent court on or about October 17, 1997, hereinafter "Hearing", Dawrence Rice representing Respondent Kalmanir, admitted to Respondent Beck that Respondent Kalmanir had been served the private BOP. See exhibit "B" certified court transcript of Hearing, attached hereto and incorporated herein by reference.

12. At the Hearing, Dawrence Rice stipulated that Respondents Stevens nor Kalmanir would not answer the Demand for BOP served by Leonard. See exhibit "B" certified court transcript of Hearing, attached hereto and incorporated herein by reference.

13. Upon being informed by

Dawrence Rice representing Respondent Kalmanir at Hearing that Respondent Kalmanir would not respond to the Demand for BOP, Respondent Beck, in opposition to Leonard's protest and special objection, continued the proceedings without Leonard being informed of the nature and cause thereof in violation of Federal Criminal Rule 7(f) and Federal Civil Rule 12(e).

14. Leonard has been prejudiced by the acts and actions of the Respondents

in that :

* Leonard has not seen any civil or criminal charging instrument bearing Leonard's appellation thereon.
* Leonard has been denied his substantive due process of law right to know the nature and cause of the proceedings before compelled to participate or plead or be compelled to waive any substantive rights, including the right to demand an extradition hearing if applicable and if Leonard is the party in the proceedings.
* Leonard has not entered a pleading, hired an attorney or any one else to represent him, posted bail or bond or any other understanding with the court, accepted any privilege of the court, etc., as though Leonard were a party.
* Leonard has not made consented to being charged with violation of probation by Respondents.
* Leonard has not made any general appearance, nor answered any questions of the Respondents.
* Leonard has not been given any meaningful hearing upon which Respondents have disclosed the answer to specific questions regarding

nature and cause of the charges in the Demand to BOP as to the parties, venue, jurisdiction, right of action, cause of action, agency procedures, or statement of a controversy in the proceedings.

* Leonard is under threat, duress, and coercion by alleged orders, judgments, and decrees from the Respondents to waive rights and convey to United States Marshals: finger prints, signatures, pictures, and complete "personal history form", as a means of joinder into the merits of the proceedings without being informed of the nature and cause of those proceedings to moot Leonard's timely demand for rights by BOP. See Exhibit "C", SUMMONS from the Respondent Court, refused for fraud, attached hereto and incorporated herein by reference.

* Leonard has been under threat, duress, and coercion of an appointment of an attorney or public defender by Respondents when Leonard has not been informed as to whether Leonard is even a party herein, and has not authorized Respondents nor any other person to represent him. See Exhibit "B" Court hearing transcript, attached hereto and incorporated herein by reference.

* Leonard has no remedy in the proceedings if Leonard is not a party to the

proceedings, and will not know if Leonard is a party until Respondents respond to his Demand for BOP.

13. Respondents have failed, neglected, refused to comply with Leonard's Demand for BOP, required by Title 5 U.S.C. section 552, et seq., Administrative Procedures Act (being as the Federal District Court is an administrative agency of the military Branch of the Executive Department of the United States) forcing Leonard to place Respondents Stevens and Kalmanir in default. See Exhibit "D" Affidavit of Default, attached hereto and incorporated herein by reference.

14. Respondents have failed, neglected, refused to fully comply with Leonard's Demand for BOP required under Federal Civil Rule of Procedure, Rule 12(e), and required under Federal Rule of Criminal Procedure 7(f), as substantive due process of law requirements, prior to proceeding forward under the merits of the United States proceedings and denying Leonard his due process of law rights to know the nature and cause of the proceedings before being compelled to defend therein.

15. Leonard has noticed Respondents of the gross error in denial of due process of law in the proceedings.

16. Respondents have failed, neglected, refused, to correct errors by Respondents.

17. Respondents have moved against Leonard's private property, Leonard himself, by charging Leonard with violation of probation, and continuing to restrict Leonard against his consent, without due process of law and in violation of Statute, Rule, Regulation, and Constitution, by failing to inform Leonard of the nature and cause of the proceedings upon which Leonard is being restricted and liberties violated.

LEGAL CLAIMS

18. The foregoing paragraphs 1 through 17 are fully incorporated herein by reference.

COUNT #1

CONSTITUTIONAL TORT

AMENDMENT ARTICLE SIXTH

19. Without due process in law, Respondents continual, ongoing. persistent acts and failure to act, legal wrongs, invasion of legally protected rights of Leonard, rights removed, by Respondents, without being informed as to the

nature and cause of said acts, actions, or proceedings, adversely affecting Leonard, aggrieved by Respondents.

COUNT #2

CONSTITUTIONAL TORT

AMENDMENT ARTICLE FOURTH

20. Without Due Process in law, Respondents continual, ongoing, persistent acts and failure to act, legal wrongs, invasion of legally protected rights of Leonard, restriction of rights, by Respondents, without a summons upon probable cause supported by Oath of affirmation and particularly describing the person to be summoned, adversely affecting Leonard, aggrieved by Respondents.

COUNT #3

CONSTITUTIONAL TORT

AMENDMENT ARTICLE FIFTH

21. Without Due Process in law, Respondents violate Leonard's privacy and liberty, Constitutional protections, by Respondents.

COUNT #4

TORT, TORT FEASORS

VIOLATION OF STATUTES, REGULATIONS, RULES

22. Without Due Process in law, Respondents violate vital interests, privacy and liberty, sought to be protected by Leonard, by Respondents.

COUNT #5

TORT, TORT FEASORS

LEGAL CLAIM

23. Without Due Process of law, Respondents acts, omissions, as against Leonard, are within the zone of interest, rules, statutes, Constitutional questions, by Respondents.

COUNT #6

TORT, TORT FEASORS

VIOLATIONS OF STATUTES, REGULATIONS, RULES

24. Without Due Process in Law, Respondents operate on Leonard, in excess of authority, without venue, jurisdiction, creating an injury in fact, upon Leonard, by Respondents.

COUNT #7

TORT, TORT FEASORS

VIOLATIONS OF STATUTES, REGULATIONS, RULES

25. Without Due Process in Law, Respondents acts, omissions are direct, proximate cause of injury, to Leonard, by Respondents.

COUNT #8

TORT, TORT FEASORS

VIOLATIONS OF STATUTES, REGULATIONS, RULES

26. Without Due Process of Law, Respondents acts, omissions are arbitrary, capricious, abuse of discretion, abuse of authority, malfeasance of office, by Respondents.

COUNT #9

FRAUD

27. ERROR: it was error for Respondents to proceed against Leonard without responding to Leonard's Demand for BOP in violation of the Federal Rules of Civil Procedure, Rule 12(e) demand for more definite statement, which is a civil demand for Bill of Particulars (See Federal Commentary notes, 1938, under Civil Rule 12(e).

COUNT # 10

FRAUD

28. ERROR: It was error for Respondents to proceed against Leonard without responding to Leonard's Demand for BOP in violation of Federal Rules of Criminal Procedure, Rule 7(f) Bill of particulars, which is mandatory upon the United States Prosecutor.

COUNT # 11

FRAUD

29. ERROR: It was error for Respondent Beck not to order Respondents Stevens and Kalmanir to provide a Bill of Particulars in response to Leonard's timely demand for same in violation of Leonard's substantive due process rights.

COUNT # 12

FRAUD

30. ERROR: It was error for Respondent Beck no to order Leonard discharged forthwith from violation of probation after Respondent Stevens and Kalmanir's representative stipulated that Respondents would not respond to Leonard's Demand for BOP, leaving Leonard with a prejudice

and substantive due process of law violation.

CONCLUSION

31. The foregoing paragraphs 1 through 30 are fully incorporated herein by reference.

32. Leonard states, Court can redress injury to Leonard by favorable decision, cure injury.

33. A Justiciable controversy exists.

34. Administrative remedies have been exhausted by Leonard.

35. Further attempted administrative remedies would prove futile against Respondents by Leonard.

36. Respondents have used unreasonable delay in granting Leonard his substantive Due Process in Law demands and remedies.

37. Respondent's acts omissions, have a direct, immediate effect, against Leonard, by Respondents.

38. Respondent's acts, omissions are in brazen defiance of statutory authorization, by Respondents.

39. Controversy is ripe for adjudication, by 9th Circuit Court of Appeals of

the united States of America.

40. This action is taken by Leonard to expedite final resolution, by 9th Circuit Court of Appeals of the united States of America.

41. Leonard states: There is substantial likelihood that Leonard will succeed on the merits of claim, by Leonard.

42. Leonard states: Leonard will suffer irreparable injury if injunctive relief is not granted, pending final determination, by 9th Circuit Court of Appeals of the united States of America.

43. Granting injunctive relief will not injure Respondents, by 9th Circuit Court of Appeals of the united States.

44. It is in the interest of the public at large to grant injunctive relief, by Court.

45. Respondents are sued jointly, severally, in individual-private-capacity, in official capacity, by Leonard.

Prayer for Relief

Citizen in Party prays for:

46. Peremptory order from the Court staying further action by Respondents against Leonard including incarceration, transportation, movement,

harassment, trespass, or any forceful actions until this Court has had opportunity to review the administrative actions of the Respondent Court.

47. Order of the Court holding unlawful and setting aside the actions, findings and conclusions of the Respondents including arrest, incarceration, violation of probation, forced participation, which this Court finds was arbitrary, capricious, an abuse of discretion, and not in accordance with law, or contrary to substantive rights, power, privilege, or immunity, Constitutionally protected, or in excess of statutory jurisdiction, authority or limitation, or without observance of procedure required by law, or unsupported by the substantial evidence in the case.

48. An Order of the Court declaring that the controversy herein between the parties is ripe for adjudication.

49. An Order of the Court declaring that Leonard has a substantive right to know the nature and cause of the action against him in any proceedings before Respondents.

50. An Order of the Court declaring that Respondents Stevens and Kalmanir knowingly acted unlawfully when they failed to answer the Notice for Demand for Bill of Particulars and proceeded to prosecute Leonard.

51. An Order of the Court declaring that the actions of Respondents' herein were arbitrary, capricious, and in violation of constitutional mandates protected by the 9th Amendment, united States constitution.

52. An Order of the Court declaring that the Respondents' actions in proceeding against Leonard without responding to Leonard's demand for Bill of Particulars were an immediate trespass and damage to Leonard.

53. Order from the Court, to wit: Respondents did, with knowledge, negligence and intent, violate oath of office, bond, of each respondent, by Respondent.

54. Order from the Court, to wit: Ordering forfeiture of bond of each Respondent, to Leonard, by Respondent.

55. Compensatory damages, in the sum certain amount of Five thousand dollars united States currency, for each day Leonard had his rights suspended when Respondents did not respond to Leonard's demand for Bill of Particulars, by Respondents.

56. Order from the Court for reimbursement of costs of this action.

57. Such other relief as the Court deems necessary, proper, and just pursuant to procedural and substantive due process.

Further Citizen in Party saith naught.

VERIFICATION

The foregoing complaint, by the hand of Leonard Lloyd, Morris, is given subjective to the penalty of perjury per 28 U.S.C. 1746(1), without the UNITED STATES.

Attest:_____
Leonard Lloyd, Morris

California state)
)ss
Stanislaus County)

Before me, a Notary Public, appeared Leonard Lloyd, Morris, who being identified to me as being of legal age, competent to testify, die affirm and subscribe hereto on the 5th day of November, 1997

_____
Barbara Eileen, Isom, Notary Public

Respond to:
Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
California republic

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris Citizen in Party	)	Case No.:
	)	
	)	Judge:
-vs-	)	
	)	Motion for Stay of Respondent
Charles J. Stevens, et al Respondents	)	Agency "Orders" Pending
	)	
	)	Judicial Review
	)	

Leonard Lloyd, Morris, hereinafter Citizen in Party, moves this honorable court upon the filing of this action for an immediate "Order" to stay any orders or agency action by the Respondents named herein until such time as this honorable court has fully and completely under las made a judicial review of all of the facts, evidence and record of proceedings within Respondent Court United States District Court Eastern District of California, pursuant to Title 5 section 706. This Motion is made pursuant to Title 5 section 705 paragraph 17. This Motion will not prejudice Respondents herein and is necessary and imperative for Citizen in Party to

preserve the record for this honorable court. As points of authorities Citizen in Party cites **GTE Service Crp., C.A.D.C. 1985, 762 F2e 1024, 246 U.S.Ap.D.C.45.**

Leonard Lloyd, Morris, Citizen in Party

PRAECIPE TO CLERK

To the Clerk, united States Court of Appeals for the Ninth Circuit San Francisco, California state.

GREETINGS:

you are hereby respectfully ordered by the ancient writ of praecipe to file, preserve and make known this Original Action for Judicial Review DeNovo of Administrative Action in Federal District Court, pursuant to U.S.C. Title 5 section 701-706, in the matter of CR-F-91-212-DLB.

This Judicial Review is in the ordinary course of law and is **NOT** to be construed as a petition for any extraordinary course in law, such as a petition for writ of mandamus, writ of prohibition, or habeas corpus, etc.

_____

Leonard Lloyd, Morris

Certificate of Service

True and correct copies of the foregoing Motion to stay and Notice of Judicial Review... Were mailed first class, registered, to the following Respondents to this action on November 7, 1997.

Charles J. Stevens
U.S. Attorney
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 010

Karen J. Kalmanir
Assistant U.S. Attorney
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 011

Magistrate: Dennis L. Beck
U.S. Courthouse
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 012

United States District Court
Eastern District of California
1130 "O" Street
Fresno, California [93721]
Registered Mail # R 207 873 013

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres
California republic